

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER concerning the application of Green Valley Special Utility District for new TPDES Permit No. WQ0015917001; TCEQ Docket No. 2022-0091-MWD.

On February 23, 2022, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing and reconsideration filed by several individuals concerning the application of Green Valley Special Utility District (Applicant) for new TPDES Permit No. WQ0015917001. The application seeks to authorize the permitted discharge of treated domestic wastewater at a daily average flow not to exceed 0.4 million gallons per day in the final phase. The proposed plant site would be located at 4060 Stapper Road, Saint Hedwig, Bexar County, Texas. The requests for hearing and reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director and Office of Public Interest Counsel; the requesters' timely replies; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Cibolo Creek Municipal Authority; the City of Saint Hedwig; Patrick and Alicia Wilks; and Shane and Stephanie Ott are affected persons and granted their requests for hearing. The Commission also determined to refer to the State Office of Administrative Hearings (SOAH) the hearing requests of the City of

Schertz for a determination on whether that requester is an affected person pursuant to applicable laws. The Commission denied the remaining requests for hearing and all requests for reconsideration.

The Commission next determined whether the requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by an affected person during the comment period, and which are relevant and material to the decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to SOAH for contested case hearing:

- A) Whether the draft permit would be protective of water quality and the uses of the receiving waters under applicable Texas Surface Water Quality Standards, including applicable antidegradation review requirements;
- B) Whether the discharge route has been properly characterized;
- C) Whether the application is complete and accurate;
- D) Whether issuance of the draft permit is contrary to the TCEQ's regionalization policy;
- E) Whether the draft permit authorizes the discharge of domestic wastewater effluent within the Cibolo Creek regional area as defined by 30 Texas Administrative Code Chapter 351, Subchapter F;
- F) Whether the Commission should deny or alter the terms and conditions of the draft permit based on the consideration of need in accordance with Texas Water Code § 26.0282;
- G) Whether the draft permit complies with applicable requirements to abate and control nuisance odors, including any applicable buffer zone requirements;
- H) Whether the Applicant has substantially complied with all applicable notice requirements;
- I) Whether the draft permit would be protective of the health of the requesters and their families, livestock, and wildlife in the area; and
- J) Whether the draft permit contains adequate provisions to protect the requesters' use and enjoyment of property.

Finally, the Commission specified that the maximum duration of the contested case hearing shall

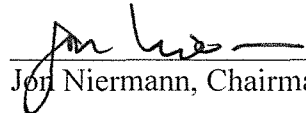
be 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- 1) The hearing requests of Cibolo Creek Municipal Authority; the City of Saint Hedwig; Patrick and Alicia Wilks; and Shane and Stephanie Ott are hereby GRANTED;
- 2) The Chief Clerk shall refer the hearing requests of the City of Schertz to SOAH for a hearing on affectedness;
- 3) The remaining hearing requests and all request for reconsideration are hereby DENIED;
- 4) The following issues are referred to SOAH for a contested case hearing on the application:
 - A) Whether the draft permit would be protective of water quality and the uses of the receiving waters under applicable Texas Surface Water Quality Standards, including applicable antidegradation review requirements;
 - B) Whether the discharge route has been properly characterized;
 - C) Whether the application is complete and accurate;
 - D) Whether issuance of the draft permit is contrary to the TCEQ's regionalization policy;
 - E) Whether the draft permit authorizes the discharge of domestic wastewater effluent within the Cibolo Creek regional area as defined by 30 Texas Administrative Code Chapter 351, Subchapter F;
 - F) Whether the Commission should deny or alter the terms and conditions of the draft permit based on the consideration of need in accordance with Texas Water Code § 26.0282;
 - G) Whether the draft permit complies with applicable requirements to abate and control nuisance odors, including any applicable buffer zone requirements;
 - H) Whether the Applicant has substantially complied with all applicable notice requirements;
 - I) Whether the draft permit would be protective of the health of the requesters and their families, livestock, and wildlife in the area; and

- J) Whether the draft permit contains adequate provisions to protect the requesters' use and enjoyment of property;
- 5) All issues not identified as being referred to SOAH in Ordering Provision No. 4 are hereby DENIED;
- 6) The maximum duration of the hearing is set at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and
- 7) If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



Jon Niermann, Chairman

2/28/22

Date Signed